

**IN THE CHANCERY COURT FOR DAVIDSON COUNTY, TENNESSEE
AT NASHVILLE**

FOR SENIOR HELP, LLC,)	
)	
Plaintiff,)	
)	
v.)	Case No. 3:19-cv-00126
)	
WESTCHESTER FIRE)	JURY DEMAND
INSURANCE COMPANY,)	
)	
Defendant.)	

**PLAINTIFF’S MOTION FOR LEAVE TO FILE MOTION FOR PARTIAL
SUMMARY JUDGMENT**

Comes the Plaintiff, For Senior Help, LLC (FSH), by and through counsel, and hereby respectfully moves the Court for leave to file a motion for Partial Summary Judgment on its claims for breach of contract, contained in Count One of the Complaint.

In support of this Motion, Plaintiff states as follows:

1. The Case Management Order in this action requires a party seeking to file a motion for partial summary judgment to seek leave of Court before filing such motion.
2. This is an action for breach of contract and bad-faith against Defendant Westchester Insurance Company (“Westchester”). Westchester has already filed a Motion for Summary Judgment, in which it seeks a ruling from the Court that there is no coverage under its insurance policy for the claims submitted by Plaintiff. FSH’s Motion would

simply be a counter-motion, and the Court will already be determining the coverage issue in ruling on Westchester's Motion.

3. The coverage issues have already been substantially briefed by the parties, and FSH's Motion should further illuminate the legal arguments. Additionally, FSH intends to offer new evidence on the coverage issue.

4. A resolution of the coverage issue in favor of Westchester will end the litigation in this Court. A resolution of the coverage issue in favor of FSH will substantially reduce the issues to be determined at trial, would save the parties and the Court considerable time and expense, and would greatly increase the likelihood of settlement.

5. FSH has attached its putative Motion and Memorandum in Support as Exhibits 1 and 2. The Motion and memorandum are subject to slight modification before filing should this Motion be granted.

Respectfully submitted,

/s/ Greg Oakley

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CERTIFICATE OF SERVICE

I hereby certify that on February 21, 2020 a true and correct copy of the foregoing was served via the Court's electronic filing system to the following:

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/s/ Greg Oakley

Gregory H. Oakley